

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Krauss
Customer No.: 051957
Serial No: 10/780,441

Filed: February 12, 2004

For: PROSTAGLANDIN D₂
ANTAGONIST

Group Art Unit: 1626

Examiner: Stockton, Laura Lynne

Confirmation No. 6975

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

Dear Sir:

The owner, Allergan, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 and 156 and 173, as presently shortened by any terminal disclaimer, of Patent No. 6,407,250. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims

cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an agent of record.

Respectfully submitted,

Date: August 3, 2006

/Brent A. Johnson/
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X Please charge the terminal disclaimer fee under 37 CFR 1.20(d) to Account No. 01-0885. A duplicate of this terminal disclaimer is enclosed.

X PTO suggested wording for terminal disclaimer was unchanged.

Please direct all correspondence to:

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